

In response to the Office Action, Applicant hereby elects subspecies I.(1) ("camera") and subspecies II.(2) ("light emitting element"), with traverse. Within subspecies II.(2), Applicant elects the sub-subspecies identified as "a. translucent control (keys)" with traverse.

Applicant traverses on the basis that all pending claims "read on" each identified species/subspecies, as explained below.

The Office required that Applicant identify the claims that "read on" each elected subspecies. It is Applicant's understanding that for purposes of election/restriction, a claim "reads on" a species or subspecies as long as the species or subspecies is consistent with (i.e., is not excluded by) the claim language (if this understanding is incorrect, then Applicant respectfully requests that the Office clarify what is meant by "read on"). Assuming Applicant's understanding is correct, Applicant submits the following:

Elected subspecies I.(1) (camera):

Although only claims 2, 14 and 25 explicitly recite a "camera", Applicant respectfully submits that all pending claims in the present application "read on" this subspecies, since no claim excludes the possibility of a camera being included in the claimed instrument, etc. Applicant acknowledges that claims 3, 15 and 26 specifically recite a shaver, which is disclosed in Applicant's description as a separate embodiment from that of a camera. However, those claims which recite a "shaver" are not inconsistent with an embodiment in which the claimed instrument "comprises" a camera.

Note that the term "comprising" in each of claims 2, 3, 14, 15, 25 and 26 is an opened-ended (i.e., non-exclusive) term according to well-settled case law. Note also that Applicant's specification states that "the invention is not limited to the embodiments described, but can be practiced with modification and alteration within the spirit and scope of the appended claims. Accordingly, the specification and drawings are to be regarded in an illustrative sense rather than a restrictive sense" (paragraph [0027]).

Therefore, it is conceivable that an instrument which falls within the scope of claims 3, 15 and 26 (which specifically recite a "shaver") could also fall within the scope of claims 2, 14 and 15 (which specifically recite a "camera") and/or other claims in the present application. In other words, the claimed instrument could conceivably include both a camera and a shaver. Hence, all pending claims in the present application "read on" the subspecies identified as "camera", since no claim excludes the possibility of the claimed instrument "comprising" a camera.

Elected subspecies II.(2) (light emitting element):

Applicant respectfully submits that all pending claims in the present application "read on" this subspecies, since no claim excludes the possibility of the light source being a "light emitting element". As in the above case, the two subspecies, "phosphorescent" and "light emitting element", are not necessarily mutually exclusive.

Note that none of the claims as filed explicitly recites the term "light emitting element" (emphasis added); however, claims 6, 16 and 29 (only) explicitly recite the term "light-emitting diode" (emphasis added). On the other hand, claims 10-12, 21-23 and 34-36 recite (either explicitly or by their dependency) that the light source

comprises a phosphorescent substance (the non-elected subspecies), which is generally described in Applicant's specification in embodiments separate from those in which the light source is an LED. However, a phosphorescent light source does emit light and is, therefore, a "light emitting element" (which is how species II.(2) is identified). Therefore, none of the pending claims is inconsistent with the subspecies identified as "light emitting element". Hence, all pending claims "read on" this subspecies.

Elected sub-subspecies II.(2)(a) (translucent control (keys)):

Applicant respectfully submits that all pending claims in the present application "read on" this subspecies, since no claim excludes the possibility of inclusion of a translucent control. As in the above two cases, the two subspecies, "translucent control (keys)" and "light pipe", are not necessarily mutually exclusive. In fact, they are clearly described as being in the same embodiment(s) in Applicant's specification.

Although only claims 5, 16 and 27 explicitly recite the term "translucent", Applicant respectfully submits that all pending claims in the present application "read on" this sub-subspecies. Applicant acknowledges that certain claims are generally related to embodiments which include a light pipe (the non-elected sub-subspecies II.(2)(b)), such as claims 7, 8, 17, 18, 30 and 31. However, the claims which recite the term "translucent" are consistent with the possible inclusion of a light pipe (and vice versa). Hence, all pending claims "read on" this sub-subspecies.

Conclusion

Applicant believes this paper is fully responsive to the Office Action. If there is any remaining issue regarding this Office Action, the Examiner is invited to contact the undersigned by telephone at (408) 720-8300.

If any additional fee is required, please charge Deposit Account No. 02-2666.

Respectfully submitted,

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Dated: October 3, 2005

  
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